IN THE HIGH COURT OF JUDICATURE AT BOMBAY

Appellate Side

Writ Petition No.350l of 2005

Mr Sanjay Chandrakant Nangade & anr.. Petitionerd
vs
Mah State Road Transport Corpn & others ... Respondents

Mr S.B.Deshmukh for petitioners

CORAM: A.P.SHAH & D.Y.CHANDRACHUD JJ.

Dated 9.8.2005

P.C:

. Heard parties.

. The petitioners are unsuccessful bidders in respect of tenders for commercial establishment floated by the lst respondent Corporation. It is their case that there is discrimination practiced by the Corporation between other commercial establishments and sugar-cane juice bars inasmuch as fresh tenders are invited in respect of other commercial establishments but that is not done in respect of sugar-cane juice bars. It is their case that since l985 it was the policy of the Corporation to give extension to all commercial establishments by charging certain increments every year. It is alleged that there is no justification for treating sugar-cane juice bars separately and

granting them extension by following earlier policy whereas in respect of the remaining commercial establishments new policy has been applied. We do not see any substance in the challenge raised in this petition. It appears that the decision to exclude the sugar-cane juice bars from tenders was taken in view of the fact that figures obtained by opening of the tenders of certain divisions reveal that the percentage of increase in respect of other commercial establishments was more than 50% whereas in respect of the sugar-cane juice bars it was only about 5.4l%. Therefore a policy decision was taken to exclude sugar-cane juice bars from the bids. It is also pertinent to note that the General Manager (Traffic) by his letter dated l.7.2005 had stipulated that in case where the existing license holders are ready and willing to match the offer of the highest bidder and have cleared their earlier dues and have withdrawn any court case filed by them, then they would be continued. It appears that petitioner no.l has agreed to match the offer of highest bidder and has given written undertaking to this effect, whereas petitioner no. 2 has refused to match the offer of the highest bidder in his category (fruit stall). In the circumstances the grievance of the petitioners that they have been discriminated cannot be accepted. Petition is

dismissed.